

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHURCH OF SCIENTOLOGY OF GEORGIA,)
INC., a Georgia Corporation,)
)
 Plaintiff,)
)
 v.) CIVIL ACTION
) FILE NO. 1:10-CV0082 CAP
CITY OF SANDY SPRINGS, GEORGIA,)
et al.)
)
 Defendants.)

CHURCH OF SCIENTOLOGY OF GEORGIA, INC.'S
STATEMENT OF ADDITIONAL UNDISPUTED MATERIAL FACTS
IN RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Plaintiff Church of Scientology of Georgia, Inc. (the "Church" or the "Church of Scientology") hereby submits its Statement of Additional Undisputed Material Facts in Response to Defendants' Motion for Summary Judgment as follows:

1.

The Church's property is located at 5395 Roswell Road, Sandy Springs, Georgia (the "Property"). Doc. 64-1, Second Aff. of Deborah Danos, ¶ 1.

2.

Contrary to the Declaration of Nancy Leathers at paragraph 14 that "[t]here is no other available off-site or public parking within the vicinity of the Subject Property to handle potential

overflow," the Church of Scientology of Georgia, Inc. (the "Church") has identified several locations where parking is available. Id. ¶ 2.

3.

The Church's preliminary investigation of available off-site parking reveals that there are ten (10) spaces available at 5491 Roswell Road, Suite B; ten (10) spaces are available at Gerber & Gerber Law Offices at 5491 Roswell Road, Suite A; nineteen (19) spaces are available on nights and weekends at Cash, Krugler & Fredericks at 5447 Roswell Road; and nineteen (19) spaces are available during the day at 5275 Roswell Road. Id. ¶ 3.

4.

These available off-site parking locations were communicated to the City. Id. ¶ 4.

5.

The Church purchased the Property on November 17, 2005 for \$5,600,000.00. Id. ¶ 5; Doc. 64-2, Exhibit 1 to Deposition of Deborah Q. Danos.

6.

The Church of Scientology of Georgia, Inc. ("Georgia church") spent several years raising the necessary funds to pay off the Church's \$5,600,000 loan and to finance the renovations that were needed on the building. Id. ¶ 6.

7.

The Georgia church has paid off the entire \$5,600,000 loan and now owns the Property free and clear of any mortgage debt. Id. ¶ 7.

8.

The Property has lost value during the time of the zoning process and as a result of freezing pipes and water damage is now appraised at \$3.2 million. Id. ¶ 8; Doc. 64-3, Appraisal of Michael G. Turner.

9.

Since December 2009, the Church has paid \$67,210.83 to rent the property located at 4480 North Shallowford Road, Dunwoody, Georgia. Id. ¶ 9.

10.

The Church paid approximately \$500,000.00 to Gensler, the architecture firm that created the space plans for the building to be developed as a 43,916 square foot worship facility. Id. ¶ 10.

11.

As a result of the City's denial, the Gensler plans cannot be used in their current form and would need to be substantially revised. Id. ¶ 11.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing
CHURCH OF SCIENTOLOGY, INC.'S STATEMENT OF ADDITIONAL UNDISPUTED
MATERIAL FACTS IN RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT to the Clerk of Court using the CM/ECF system, which
automatically sends an electronic mail notification of such
filing to counsel of record who are CM/ECF participants, and
mailed by United States Postal Service, first-class, mail,
postage prepaid, a paper copy of the same document to counsel of
record who are non-CM/ECF participants. Counsel of record is:

Laurel E. Henderson, Esquire
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This 31st day of January 2011.

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